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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,127	10/22/2001	Wolfgang Schonberger	A-2986	7101
24131	7590	05/21/2004	EXAMINER	
LERNER AND GREENBERG, PA			HINZE, LEO T	
P O BOX 2480			ART UNIT	
HOLLYWOOD, FL 33022-2480			PAPER NUMBER	
			2854	

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/033,127

Applicant(s)

SCHONBERGER, WOLFGANG

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeschke et al., US 4,089,264 in view of Dini, US 3,964,386 and Olawsky et al., US 5,842,416.

Jeschke teaches:

- (claims 1, 10, and 12) an inking unit (Figure 1) in a printing press, comprising an ink-metering device (1) having at least one metering element (6) operatively engaging with a roller, said roller being one of an ink form roller and a roller operatively engaging with an ink form roller, and an oscillation device (11,13) assigned to said metering element for mounting said metering element so that it is oscillatable between: an engaging position and a spaced-away position with respect to the metering element; and a spaced-away position of said metering element in which said metering element is lifted to an outlet height wherein said metering element is lifted to an outlet height (e.g. col. 4, line 4) from said roller;

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- (claim 2) wherein said roller has a radial direction; and said oscillation device has a guide guiding said metering element in an oscillation direction deviating in a range from 0° to 20° in said radial direction of said roller;
- (claim 3) an inking unit wherein said oscillation device has an electromagnetic (11, 13) oscillation drive drivingly connected to said metering element;
- (claim 4) an inking unit wherein said oscillation device has a spring (15) for setting said metering element against said roller;
- (claim 7) an ink-feeding device (8) disposed upline of said metering element alongside a peripheral line of said roller;
- (claim 8) an inking unit including at least another metering element assigned to said roller (e.g. Figure 2, ref. 9);
- (claim 9) an inking unit wherein said metering elements are mounted alternatingly with one another for removal thereof from said roller (e.g. Figure 2);
- (claim 10) a printing press (col. 1, lines 1-2);
- controlling the frequency (e.g. col. 4, line 2) of oscillation of the metering element.

Jeschke does not teach:

- (claims 1, 10, and 12) an outlet height of at least 20 micrometers and less than 40 micrometers; at least one glazing roller disposed downline from said metering element along a peripheral line of said roller, said glazing roller being exclusively in rolling contact with said roller;
- (claim 12) oscillation at a frequency within a range of 200 Hz to 10 kHz.

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Dini teaches a method and apparatus for removing surplus ink on printing cylinders, including:

- an oscillating metering element (3);
- an oscillation frequency in the range of 5 to 200 kHz (col. 2, lines 45-47);
- an oscillation amplitude from 5 to 30 micrometers (col. 2, lines 52-53);
- that such an oscillation frequency is advantageous for creating a hydrodynamic barrier in the ink layer which blocks passage of all but a predetermined residual portion of the ink layer past the doctor blade edge (col. 1, lines 64-68);
- the invention is applicable to any situation where it is desired to control the thickness of a liquid layer applied to a surface (col. 4, lines 62-64);
- the invention is advantageous for eliminating uneven wiping off of surplus ink due to non-uniform coordination of the positions of the doctor blade and the cylinder (col. 1, lines 34-37) and in eliminating inconsistency of some reproduction of printings (col. 1, lines 45-47).

Olawsky teaches a rider roller thrown onto a roller downstream from a doctor blade (e.g. col. 1, lines 36-40), and that this roller is advantageous for smoothening the ink film before the ink is applied to the inking form (col. 1, lines 36-40).

Regarding claims 1, 10, and 12, it would have been obvious to one having ordinary skill in the art to modify Jeschke to change the oscillation amplitude to 5-30 micrometers, because Dini teaches that this oscillation amplitude is advantageous for eliminating uneven wiping off of surplus ink due to non-uniform coordination of the positions of the doctor blade and the cylinder

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and in eliminating inconsistency of tone reproduction of printings, and such an oscillation amplitude creates a hydrodynamic barrier in the ink layer which blocks passage of all but a predetermined residual portion of the ink layer past the doctor blade edge.

Further regarding claim 12, it would have been obvious to one having ordinary skill in the art to modify Jeschke to have an oscillation frequency within a range of 200 Hz to 10kHz, because Dini teaches that such an oscillation frequency is advantageous for eliminating uneven wiping off of surplus ink due to non-uniform coordination of the positions of the doctor blade and the cylinder and in eliminating inconsistency of tone reproduction of printings.

Further regarding claims 1, 10, and 12, it would have been obvious to one having ordinary skill in the art at the time the invention was made to additionally modify Jeschke to include at least one glazing roller disposed downline from said metering element along a peripheral line of said roller, said glazing roller being exclusively in rolling contact with said roller, because Olawsky teaches that a glazing roller is effective for smoothening of the ink film before the ink is applied to the inking form.

Regarding claims 2-4 and 7-9, the combination of Jeschke and Dini teaches all that is claimed as discussed above.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeschke in view of Dini and Olawsky as applied to claims 1-4, 7-10, and 12 above, and further in view of Cappel et al., US 3,913,479.

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The combination of Jeschke, Dini, and Olawsky teaches all that is claimed as discussed in the rejection of claims 1-4, 7-10, and 12 above, including wherein said metering element is a metering blade having a working region terminating in a cutting edge (Jeschke, 7).

The combination of Jeschke, Dini, and Olawsky does not teach said working region of said metering blade having a cross section thickness which remains constant.

Cappel teaches wherein said metering element is a metering blade (75) having a working region terminating in a cutting edge, said working region of said metering blade having a cross-section thickness which remains constant (Figure 3). Cappel teaches that such a blade as part of the system is advantageous for reducing construction costs and for operating for long periods substantially free of maintenance problems (col. 1, lines 38-43).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Jeschke wherein said working region of said metering blade has a cross-section thickness that remains constant, because Cappel teaches that such a metering blade is advantageous for reducing construction costs and for operating for long periods substantially free of maintenance problems.

### ***Response to Arguments***

4. Applicant's arguments filed 19 February, 2004 have been fully considered but they are not persuasive.

5. In response to applicant's arguments on pages 9-10, that the references of Jeschke and Olawsky et al. teach inking mechanisms which have slight structural differences, i.e. one doctor blade vs. multiple ink keys, the examiner agrees that the two inking units are different.

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However, as Olawsky et al. clearly provide motivation (col. 1, lines 35-41) for including a rider roller, and Olawsky et al. do not explicitly or implicitly state that a rider roller should never be used in a multizone inking unit, one having ordinary skill in the art would recognize that a rider roller that effects a smoothening of the ink on an in applicator roller would work equally well in page-wide ink application and in zonal ink metering.

6. In response to applicant's arguments on pages 9-10, that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

7. In response to applicant's arguments on pages 10-12 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Olawsky et al. clearly give motivation for including rider rollers on an ink applicator roller, saying in col. 1, lines 35-41 that a rider roller is advantageous for smoothening of the ink before the ink is applied to the inking form.

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***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

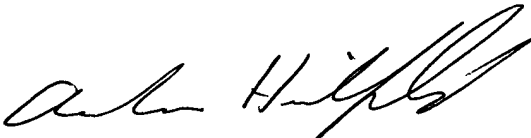
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze  
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11 May, 2004



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